

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT KISII

MISC CIVIL APPLICATION 176 OF 2004

ANNAH CHESIELE BIEGONPLAINTIFF/APPLICANT

(suing as personal representative of

PAUL KIMUTAI BIEGON)

VERSUS

JAVER REHAMATAHDEFENDANT/RESPONDENT

RULING:

The applicant seeks court to enlarge time to allow him to file suit out of time. He was involved in an accident on 8/5/94. Suit should have been filed within 3 years. He depones that supporting documents were misplaced in the Advocates office. However that fact has not been deponed to by the advocate. It is the advocate who is alleged to have misplaced the documents. He should have sworn an affidavit to state that. The accident occurred over 10 years ago. I am not satisfied that the documents have remained misplaced that long. The application is therefore rejected.

KABURU BAUNI

AG. JUDGE

23/11/04